

Matthew Borden, *pro hac vice* application pending
borden@braunhagey.com

J. Noah Hagey, *pro hac vice* application pending
hagey@braunhagey.com

Athul K. Acharya, OSB No. 152436
acharya@braunhagey.com

Gunnar K. Martz, *pro hac vice* application pending
martz@braunhagey.com

BRAUNHAGEY & BORDEN LLP
351 California Street, Tenth Floor
San Francisco, CA 94104
Telephone: (415) 599-0210

Kelly K. Simon, OSB No. 154213
ksimon@aclu-or.org

AMERICAN CIVIL LIBERTIES UNION FOUNDATION OF OREGON
P.O. Box 40585
Portland, OR 97240
Telephone: (503) 227-6928

Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

PORLAND DIVISION

INDEX NEWSPAPERS LLC, a Washington limited-liability company, dba **PORTLAND MERCURY; DOUG BROWN; BRIAN CONLEY; SAM GEHRKE; GARRISON DAVIS; KAT MAHONEY; SERGIO OLMO; JOHN RUDOFF; ALEX MILAN TRACY; TUCK WOODSTOCK; JUSTIN YAU**; and those similarly situated,

Plaintiffs,

v.

CITY OF PORTLAND, a municipal corporation; and **JOHN DOES 1-60**, officers of Portland Police Bureau and other agencies working in concert,

Defendants.

Case No. 3:20-cv-1035-SI

DECLARATION OF GARRISON DAVIS REGARDING EVENTS OF JULY 12, 2020

I, Garrison Davis, declare:

1. I am an Oregon resident who lives in the City of Portland. I am a freelance videographer, journalist, and documentary filmmaker who has covered the ongoing Portland protests. If called as a witness, I could, and would, testify competently to the facts below.

2. I have gone out to cover the ongoing protests at least five nights a week since May 27.

3. I covered the protests in downtown Portland on the night of July 11 into the early morning of July 12, 2020.

4. I was present in a journalistic capacity. I wore a helmet that says "PRESS" in big block letters on it. Because I knew that the Court had ordered the police to stop using violence against journalists and legal observers, most of the time I was holding my press pass aloft in one hand and my iPhone in the other.

5. I was only there to document the protesters and their interaction with police and federal officials. I did not participate in the protests.

6. True and correct copies of videos that I posted from my cellphone to Twitter starting around 9:32 p.m. on July 11 and ending around 2:44 a.m. on July 12 are available at the following URL: <https://twitter.com/hungrybowtie/status/1282171750751465472>. These videos accurately depict the events recounted below. For convenience, I have noted declarations for which I have corresponding video.

7. I arrived at the Justice Center shortly after 9:30 p.m. I began filming from the sidewalk. The air was already thick with tear gas.¹

8. Shortly after I started filming, federal troops launched more tear gas cannisters at me.² So I moved around the block and returned to Lownsdale Square, across the street from the Mark O. Hatfield United States Courthouse.

¹ <https://twitter.com/hungrybowtie/status/1282171750751465472>.

² <https://twitter.com/hungrybowtie/status/1282172085725327362>.

9. I was there documenting when a federal officer shot what appeared to be a ‘dud’ tear gas cannister at someone who was holding up a boombox above his head and standing by the sidewalk in front of Lowsdale Square. After the person kicked away the cannister, the federal troops shot him in the head with an impact munition. He appeared to be gravely wounded.³

10. After federal troops shot the man in the head, they began to use some type of sonic weapon.⁴ It emitted an ultra-high-pitched frequency and looked like a big megaphone in the window of the courthouse. It caused in me a massive headache and forced me to stop documenting.

11. I was soon able to block the noise with earplugs given to me by a medic, and resumed documenting.

12. Shortly after midnight on July 12, the federal troops issued what they called a “last warning.”⁵ They then launched a tear gas offensive, engulfing the entirety of the steps of the courthouse, 3rd Avenue, and Lowsdale Square in tear gas.⁶ They also started shooting munitions into the crowd.

13. As I was moving back, federal troops shot me in the back with a tear gas cannister. The cannister hit me on my back and then somehow became stuck to my bag while dispersing massive amounts of gas all over me.⁷ I was unable to separate the cannister from my bag for what seemed like an eternity. People nearby helped me rip off my bag, finally freeing the cannister. My bag is now entirely coated with tear gas residue.

14. Federal troops repeatedly shot directly at me with pepper bullets and other munitions. When they shot at me, I was on the sidewalk in front of the park capturing the enormous tear gas clouds and documenting what federal officers were doing. I was wearing a

³ <https://twitter.com/hungrybowtie/status/1282176328305762307>.

⁴ <https://twitter.com/hungrybowtie/status/1282193909716672512>.

⁵ <https://twitter.com/hungrybowtie/status/1282211999829471232>.

⁶ <https://twitter.com/hungrybowtie/status/1282217421739225088>.

⁷ <https://twitter.com/hungrybowtie/status/1282218575093096448>.

helmet clearly marked “PRESS.” I made sure both hands were being used to hold my phone. I was not in the park illegally. I was not posing any type of threat to them or anyone else. I was turning around to see if protesters were behind me, and there was no one behind me. Yet the federal troops continued to purposely aim and shoot at me, across 3rd Avenue and into Lowsdale Square, because I was trying to film the tear gas that they used to engulf the street.

15. After several more immense rounds of tear gas, the federal troops closed the courthouse doors.⁸ Then, seemingly out of nowhere, federal troops swung open the doors and charged out of the courthouse, past the sidewalk and off of federal property, across 3rd Avenue, and into the crowd in Lowsdale Square, tackling and arresting people in a giant cloud of tear gas.^{9,10}

16. I documented as the federal troops wielded back their batons and chased through the park after legal observers who were clearly affiliated with the National Lawyers Guild.¹¹

17. I documented as federal troops pinned down one individual, who was not wearing a gas mask, in a thick column of tear gas while they prepared to arrest him.¹²

18. These incidents all occurred on park land well away from the courthouse.

19. At approximately 2:00 a.m., the Portland police made their first appearance of the night. They emerged from the Justice Center on 4th Avenue and declared via loudspeaker that the downtown area was “closed.”¹³

20. This coincided with a massive application of tear gas on 4th Avenue. I documented as innocent bystanders like homeless individuals and through traffic were subjected to the gas.¹⁴

⁸ <https://twitter.com/hungrybowtie/status/1282235562414333952>.

⁹ <https://twitter.com/hungrybowtie/status/1282246957256212481>.

¹⁰ <https://twitter.com/hungrybowtie/status/1282241815022714880>.

¹¹ <https://twitter.com/hungrybowtie/status/1282243410884096000>.

¹² <https://twitter.com/hungrybowtie/status/1282241815022714880>.

¹³ <https://twitter.com/hungrybowtie/status/1282245055680401408>.

¹⁴ *Id.*

21. After gassing 4th Avenue, the Portland police and the federal troops together marched everyone westward towards Broadway.¹⁵

22. Upon reaching Broadway, the Portland police and the federal troops together formed a line on the street.¹⁶

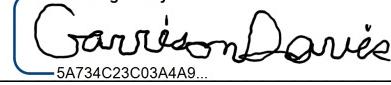
23. A few minutes later, the federal troops left while the Portland police stayed behind to hold the line.¹⁷ A few minutes after that, the Portland police left.¹⁸ I went home after that.

24. On July 11-12, 2020, I documented that the Portland police participated together with the federal troops (1) to clear out Lownsdale Square, (2) to march as one big group in pushing the protesters down Broadway, and (3) to hold the police line at Broadway before each group executed an organized retreat in quick succession.

25. The Portland police and the federal troops appeared to have been communicating and coordinating with each other during this time.

I declare under penalty of perjury under the laws of United States of America that the foregoing is true and correct.

Dated: July 13, 2020

DocuSigned by:

 5A734C23C03A4A9...
 Garrison Davis

¹⁵ <https://twitter.com/hungrybowtie/status/1282247518592495616>.

¹⁶ <https://twitter.com/hungrybowtie/status/1282248189580476416>.

¹⁷ <https://twitter.com/hungrybowtie/status/1282248703311413249>.

¹⁸ <https://twitter.com/hungrybowtie/status/1282249377554116608>.